



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
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E/-1518
jr

May 25, 2005

Ms. Victoria Rutson
Surface Transportation Board
1925 K Street NW, Room 506
Washington, DC 20423

Dear Ms. Rutson:

This is in reference to April 8, 2005 correspondence from Burns & McDonnell forwarding a copy of the Draft Supplemental Environmental Impact Statement (DSEIS) for the Powder River Basin Expansion Project proposed by the Dakota, Minnesota & Eastern Railroad Corporation (DM&E). The project proposes to access coal mines in the Powder River Basin in Wyoming. Thank you for the opportunity to review the document and provide comments.

The additional information in the DSEIS pertaining to the 4 specific factors that were remanded by the 8th Circuit Court of Appeals has been reviewed in light of our regulatory requirements under Section 404 of the Clean Water Act. These 4 factors are generally pertinent to our public interest review as outlined at 33 CFR Part 320.4 as well as other applicable statutes. Based on the information contained in chapters 1 thru 5, no comments are provided because the Omaha District has no concerns with the data, analysis and conclusions contained in these chapters. However, to ensure that our administrative record is complete, a copy of the fully executed Programmatic Agreement associated with the Section 106 process of the National Historic Preservation Act is requested.

As you are aware, the Omaha District has not issued any Section 404 permits for the proposed action in South Dakota and Wyoming. DM&E needs to provide some additional information for complete evaluation of their proposal.

If you have any questions regarding this correspondence, please contact me at (307) 772-2300.

Sincerely,

Chandler J. Peter
Project Manager
Wyoming Regulatory Office

Copies furnished:

CENWO-OD-RSD (Naylor)
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